

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Eric Hamilton *et al.*

APPLICATION NO.: 10/811,427

FILING DATE: March 26, 2004

TITLE: ROBUST SINGLE-PASS VARIABLE BIT RATE ENCODING

EXAMINER: Andy S. Rao

GROUP ART UNIT: 2621

ATTY. DKT. NO.: 18602-08744 (P3257US1)

**CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION**

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Dated: 13 September 2007 By: /Daniel R. Brownstone 46581/  
Daniel R. Brownstone, Reg. No. 46,581

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**UNDER 37 CFR 1.181 AND MPEP § 711.03(C)**

A Notice of Abandonment was mailed on August 14, 2007 in the above case, stating that the application was abandoned for failure by Applicants to respond to the Office Action of February 2, 2007.

The February 2, 2007 Office Action was not received by the Applicants or by their undersigned representative. A search of the file jacket and docket records confirms that the Office Action was not received. A copy of the docket record for this application is included with this Petition; the record shows each docketed item in the history of the application, and illustrates that the Office Action response was not docketed—there is no docketed item between the Status

Request sent to the USPTO on July 28, 2006, and the receipt of the Notice of Abandonment on August 20, 2007. Had the Office Action been received, a response deadline would have appeared in the record.

In addition, Private PAIR reveals that the Office Action was returned to the USPTO as undeliverable on February 8, 2007. A screen shot of the Private PAIR image file wrapper and the first page of the returned office action bearing an OIPE date stamp of FEB 08 2007 are attached. The customer address associated with the customer number 61520, i.e. the address that the Office Action was mailed to, is the correct address, and the reason for its return to the USPTO as undeliverable is unknown.

Accordingly, since Applicants did not receive the February 2, 2007 office action, the Office is asked to withdraw the holding of abandonment in this case and re-mail the Office Action.

If any additional information is required, please contact the Attorney for Applicants at the telephone number below.

Respectfully submitted,  
ERIC HAMILTON *et al.*

Dated: September 13, 2007

By: /Daniel R. Brownstone 46,581/  
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<b>Title:</b>	P3257US1 Robust Single-Pass Variable Bit Rate Encoding	<b>File #:</b>	18602-08744/US
<b>Type:</b>	Utility - NPREG	<b>Country:</b>	United States of Americ
<b>Client:</b>	Apple Inc.	<b>Client File #:</b>	P3257US1
<b>FIP ID:</b>	23214	<b>Publication Date:</b>	
<b>Status:</b>	Pending / Active	<b>Matter Entity Size:</b>	Large
<b>Date Filed:</b>	Mar 26, 2004	<b>Issue Date:</b>	
<b>Serial #:</b>	10/811,427	<b>Patent #:</b>	
<b>Other Party:</b>	No	<b>Scan Docs:</b>	
<b>Special Instructions (See Handbook):</b>		<b>Technology:</b>	
<b>Prototype:</b>	No	<b>Default category prototype:</b>	No

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**Activities**

<input type="checkbox"/> Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit	-- Add
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<input type="checkbox"/> <a href="#">Petition To Revive or Withdraw Holding of Abandonment</a>	Petition To Revive An Abandoned Application	Open: Docket Items	Petition Due : 10/14/2007			<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Notice of Abandonment Received</a>	Abandoned for Failure to reply to OA; PAIR indicates OA was returned to USPTO for some reason	Completed	Date Received : 08/20/2007	Date Mailed : 08/14/2007		<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Request Status from the PTO</a>		Completed	Date Done : 08/14/2007			<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Response To Status Inquiry</a>	Response To Status Inquiry	Completed	Date Mailed : 07/28/2006			<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Convention Foreign Filing Due</a>		Completed	Date Done : 03/28/2005			<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Send Reminder Copy of Foreign Filing Letter</a>		Completed	Date Done : 01/10/2005			<a href="#">Edit</a>	<a href="#">-- Add</a>
<input type="checkbox"/> <a href="#">Send Foreign Filing Letter</a>		Completed	Date Done : 12/13/2004			<a href="#">Edit</a>	<a href="#">-- Add</a>

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<a href="#"><u>Expect Notice of Recordation</u></a>	Original Due Date 9/26/04	Completed	Date Done : 10/05/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>IDS Due</u></a>	Original Due Date 6/26/04	Completed	Date Done : 08/30/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>Absolute Deadline to Claim Priority</u></a>		Completed	Date Done : 08/09/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>Reminder: Absolute Deadline Next Month to Claim Priority</u></a>		Completed	Date Done : 07/06/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>Expect Filing Receipt</u></a>		Completed	Date Done : 06/23/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
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<a href="#"><u>Expect Notice of Missing Parts</u></a>		Completed	Date Done : 04/06/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>File Application with the PTO</u></a>	Original Due Date 3/19/04	Completed	Date Done : 04/06/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>Non-Publication Request Filed</u></a>		Completed	Date Done : 03/26/2004	      	<a href="#">Edit</a>	<a href="#">-- Add</a>	
<a href="#"><u>Original Recorded Assignment Received</u></a>	Received Original Recorded Assignment from:	Completed	Recordation Date : 03/26/2004	Date Received	      	<a href="#">Edit</a>	<a href="#">-- Add</a>

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## Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count
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02-08-2007	RETMAL	Mail returned to USPTO as undelivered	PROSECUTION	21
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02-02-2007	892	List of references cited by examiner	PROSECUTION	1
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03-26-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
03-26-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,427	03/26/2004	Eric Hamilton	18602-08744 (P3257US1)	2639
61520	7590	02/02/2007	EXAMINER	
APPLE/FENWICK SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			RAO, ANAND SHASHIKANT	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/02/2007	PAPER		

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If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.